

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AMERISURE INSURANCE COMPANY and §
AMERISURE MUTUAL INSURANCE §
COMPANY, §

Plaintiffs,

v.

ALVARO LEOS, SR., LANCE McCOOK,
and LATOYA McCOOK,

Defendants.

§ CIVIL ACTION NO. 5:25-cv-00337-JKP-ESC
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**PLAINTIFFS' INITIAL DISCLOSURES PURSUANT TO RULE 26(a)(1)
OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Amerisure Insurance Company (“AIC”) and Amerisure Mutual Insurance Company (“AMIC”), Plaintiffs in this action, make the following initial disclosures:

- (i) **The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.**

RESPONSE: The following individuals are likely to have discoverable information:

Any authorized representative of
Amerisure Insurance Company
and/or the Custodian of Records
c/o Harrison Yoss
Thompson, Coe, Cousins & Irons, LLP
700 North Pearl Street, 25th Floor
Dallas, Texas 75201
214.871.8259

One or more authorized representatives of AIC are likely to have discoverable information concerning the policy at issue and any endorsements thereto, the lawsuit filed by Lance McCook and Latoya McCook, the tender of the lawsuit to AIC for defense and indemnity, AIC's agreement to defend Alvaro Leos, Sr., pursuant to a reservation of rights, the reservation of rights, the proceedings in the Underlying Lawsuit including, but not limited to, the final judgment entered in favor of AIC's named insured, and other facts related to this declaratory judgment action. The Custodian of Records for AIC may have information concerning the records kept by AIC including, but not limited to the policy at issue and any endorsements thereto.

Any authorized representative of
Amerisure Mutual Insurance Company
and/or the Custodian of Records
c/o Harrison Yoss
Thompson, Coe, Cousins & Irons, LLP
700 North Pearl Street, 25th Floor
Dallas, Texas 75201
214.871.8259

One or more authorized representatives of AMIC are likely to have discoverable information concerning the policy at issue and any endorsements thereto, the lawsuit filed by Lance McCook and Latoya McCook, the tender of the lawsuit to AIC for defense and indemnity, AIC's agreement to defend Alvaro Leos, Sr., pursuant to a reservation of rights, the reservation of rights, the proceedings in the Underlying Lawsuit including, but not limited to, the final judgment entered in favor of the named insured, and other facts related to this declaratory judgment action. The Custodian of Records for AMIC may have information concerning the records kept by AMIC including, but not limited to the policy at issue and any endorsements thereto.

Lance McCook
c/o Marco Bass and Ryan Reyna
Marco Bass Law, PLLC
2119 San Pedro Avenue
San Antonio, Texas 78212
210.239.6944

Lance McCook is likely to have discoverable information concerning the Underlying Lawsuit, the proceedings in the Underlying Lawsuit, including, but not limited to the final judgment entered in favor of System Controls and Instrumentation LLC ("SCI"), the fact that no appeal was taken from the final judgment, and other facts related to this declaratory judgment action.

Latoya McCook
c/o Marco Bass and Ryan Reyna
Marco Bass Law, PLLC
2119 San Pedro Avenue
San Antonio, Texas 78212
210.239.6944

Latoya McCook is likely to have discoverable information concerning the Underlying Lawsuit, the proceedings in the Underlying Lawsuit, including, but not limited to the final judgment entered in favor of System Controls and Instrumentation LLC (“SCI”), the fact that no appeal was taken from the final judgment, and other facts related to this declaratory judgment action.

Alvaro Leos, Sr.
13230 Blanco Road, #802
San Antonio, Texas 78216

Alvaro Leos, Sr., is likely to have discoverable information concerning the Underlying Lawsuit, the proceedings in the Underlying Lawsuit, including, but not limited to the final judgment entered in favor of SCI, the fact that no appeal was taken from the final judgment, the defense provided to him by ACI pursuant to a reservation of rights, the reservation of rights, and other facts related to this declaratory judgment action.

AIC and AMIC reserve their rights to supplement and/or amend this disclosure.

- (ii) **A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.**

RESPONSE: AIC and AMIC identify the following documents:

- a. A copy of the Business Auto Policy, policy number CA 20859800801, issued by AIC to SCI (“the Auto Policy”).
- b. A copy of the Umbrella Liability Policy, policy number CU 20859830802, issued by AMIC to SCI (“the Umbrella Policy”).
- c. The live pleading (currently the Second Amended Petition) in Cause No. 2023CI12324; *Lance McCook, Latoya McCook, Plaintiffs, vs. System Controls and Instrumentation, LLC and Alvaro Leos, Sr., Defendants*; in the 57th Judicial District Court of Bexar County, (“the Underlying Lawsuit”).
- d. SCI’s Traditional and No Evidence Motion for Partial Summary Judgment on Gross Negligence.

- e. The trial court's order granting SCI's Traditional and No Evidence Motion for Partial Summary Judgment on Gross Negligence entered on September 16, 2024, in the Underlying Lawsuit.
- f. SCI's Traditional and No Evidence Motion for Summary Judgment on all remaining causes of action against SCI.
- g. The trial court's order granting SCI's Traditional and No Evidence Motion for Summary Judgment on all remaining causes of action against SCI entered on January 8, 2025, in the Underlying Lawsuit, which included a severance of the claims against SCI.

Copies of the above-listed documents (a, b, c, e, and g) are attached as exhibits to the Original Complaint for Declaratory Judgment filed by AIC and AMIC, and, thus, AIC and AMIC have provided copies of those documents to all parties. AIC and AMIC will provide copies of the documents delineated as items d and f.

- (iii) A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

RESPONSE: AIC and AMIC are not making any affirmative claim for damages in this litigation at this time. AIC reserves the right to seek reimbursement of attorneys' fees, costs, and expenses in connection with the Underlying Lawsuit, if it is determined there is no coverage under the Auto Policy. AIC and AMIC further reserve the right to seek reimbursement of attorneys' fees and costs incurred in this declaratory judgment action.

- (iv) For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

RESPONSE: Not applicable.

Respectfully submitted,

/s/ Harrison H. Yoss

Harrison H. Yoss

Texas Bar No. 22169030

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**ATTORNEYS FOR PLAINTIFFS,
AMERISURE INSURANCE COMPANY AND
AMERISURE MUTUAL INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2025, I served a true and correct copy of this document on all attorneys of record listed below in accordance with the Federal Rules of Civil Procedure:

Marco Bass
Ryan Reyna
MARCO BASS LAW FIRM, PLLC
2119 San Pedro Avenue
San Antonio, Texas 78212

Email: marco@marcobass.com
Email: ryan@marcobass.com

/s/ Harrison H. Yoss
Harrison H. Yoss